FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal From Order No.36 of 2006
with
Civil Appln no. 9 of 2006
with
Appeal No. 37 of 1006
with
Civil Application No.l0 of 2006

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directors and Registrar's Order	Court or Judge's Order

Mr V.M.Thorat Sr Advocate with Ashok R Pande for appellants
Mr R.R.Malandkar for B M C

CORAM; A.M.KHANWILKAR J.

DATED 2.2.2006

P.C.

. After hearing the learned counsel for the parties and on going through the record, as I indicated my mind that I was not inclined to interfere in this appeal, the learned counsel for the appellants on instructions states that in that case the appellants will withdraw the appeals unconditionally with further assurance

that they will not pursue the suit pending before the trial court, which challenges the show cause notices issued by the Corporation under section 35l of the MMC Act, provided appellants are given four weeks time to remove the offending structure referred to in the suit notices. The appellants assure through their counsel before this court that the offending structure referred to in the suit notices will be removed by them at their own costs within four weeks from today and will obtain necessary certification from the competent officer of the Corporation that the offending structure referred to in the suit notices have been fully removed. That formality will be completed within four weeks from today. In case appellants fail to comply with this assurance, it will be open to the Corporation to proceed with the demolition of the offending structure on 3.3.2006 by employing necessary agency in that behalf and the costs incurred for that purpose will be

borne by the appellants.

. The appellants, however, submit that after the offending structure referred to in the suit notices are removed at their own cost within the time specified in this order, they may be permitted to apply to the appropriate authorities for erection of the additional structure as may be permissible by law. Needless to observe that if law permits erection of additional structure, after the process of demolition of the offending structure is complete, the appellants may take recourse to that remedy and such application will have to be decided on its own merits in accordance with law. Both appeals are,therefore, dismissed as withdrawn with liberty to the appellants as referred to above. In terms of the order and assurance given by the appellants through their counsel parties shall take steps for withdrawal of the pending suit.

Civil applications disposed of accordingly.